

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 25th August, 2021, 11.00 am

Councillors: Sally Davis (Vice-Chair, in the Chair), Rob Appleyard (Reserve) (in place of Sue Craig), Shelley Bromley, Vic Clarke, Paul Crossley, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Dr Eleanor Jackson and Hal MacFie

40 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

41 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Cllr Sue Craig. Cllr Rob Appleyard attended as substitute.

42 DECLARATIONS OF INTEREST

There were no declarations of interest.

43 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

44 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

The Democratic Services Officer informed the meeting that there were a number of people wishing to make statements on planning applications and that they would be able to do so when these items were discussed.

45 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 28 July 2021 were confirmed and signed as a correct record.

46 MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered:

- A report by the Head of Planning on various planning applications.
- An update report by the Head of Planning on items 2, 5, 6 and 8 attached as *Appendix 1* to these minutes.

- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 2* to these minutes.

RESOLVED that in accordance with the delegated powers, the applications be determined as set out in the decisions list attached as *Appendix 3* to these minutes.

Item No. 1

Application No. 20/03071/EFUL

Site Location: Dick Lovett (Bath) Ltd, Wellsway Garage, Lower Bristol Road, Westmoreland, Bath – Demolition of existing buildings and mixed-use redevelopment of the site comprising the erection of residential units (Class C3); erection of purpose-built managed student accommodation (Sui Generis); flexible commercial floorspace (Class E); associated parking; landscaping; improvements to the public realm; and new vehicular access from Lower Bristol Road.

The Case Officer reported on the application and his recommendation to refuse.

A representative from the Bath Preservation Trust spoke against the application.

The agent and applicant spoke in favour of the application.

Cllr June Player spoke against the application. She expressed concern about the lack of parking, the bulky and dominant nature of the proposed building and overdevelopment of the site. She was also concerned that the development could lead to the loss of Bath's World Heritage status. She highlighted the cumulative impact of the development which would lead to further noise and pollution in the area along with the tunnelling effect of so many tall buildings.

The Case Officer then responded to questions as follows:

- Parking facilities would be available to residents of the buildings if they paid an additional charge.
- There would be a single access point to the site and two loading bays for deliveries.
- Residents in this development could be excluded from any future residents' parking scheme in the area.
- The package of measures proposed to mitigate the low levels of parking provision are considered to be insufficient.
- The site is located within the Western Riverside allocation which means that a 6-storey building would be acceptable.
- Blocks 3 and 4 have outline planning consent. The committee refused a previous application for the site which is currently subject to appeal. If this application is approved, then it is likely that the appeal will be withdrawn. However, members should consider this application on its own merits.
- Officers feel that the number of units quoted within the report are feasible. There will be an acceptable housing mix across the whole area.
- Some existing trees will be retained, and some additional street trees will be provided.
- An air quality study has been undertaken and officers feel that the concerns

- regarding a tunnelling effect have now been addressed.
- The development should be completed within five years.

Cllr Jackson stated that, although ideally people would walk or cycle, in reality, some of them will have cars. She moved the officer recommendation to refuse. This was seconded by Cllr Hughes.

Cllr Crossley spoke against the motion stating that this scheme addresses the concerns raised previously by the committee. He noted that affordable housing would be provided. He felt that the development would enable more young people to be able to afford to live in Bath and recognised the new pattern of working post-pandemic.

Cllr Appleyard felt that with the Council's commitment to environmental issues, the committee should be bold and work towards changing behaviours to encourage walking and cycling rather than car use.

Cllr Hughes stated that developers should submit a viable plan that adheres to planning policies.

Cllr Hodge felt that the development appeared too high and too bulky. She felt that it would have a negative impact on the city and World Heritage Site. She stated that residents in this area should be able to live in a pleasant environment.

Cllr Bromley expressed concerns regarding massing and lack of car parking facilities. She also felt that there should be a greater housing mix with some properties available to buy rather than rent.

Cllr Clarke highlighted the need for housing in the area.

Cllr Hounsell stated that the committee must apply the policies currently in place. The scheme overall is good but is not policy compliant.

Cllr MacFie stated that he would prefer to have more affordable housing than parking spaces.

The motion was then put to the vote and there were 5 votes in favour and 5 votes against. The Chair then used her casting vote against the motion which was therefore LOST.

Cllr Crossley then moved that the committee delegate to permit the application for the following reasons:

- It will enhance the World Heritage Site.
- It provides a good mix of accommodation.
- It has good design.
- The shift to electric charging points and bicycles meets the Council's long-term climate change agenda.

He felt that this was a very exciting scheme which offers high-density accommodation to enable people to live in Bath who may not otherwise be able to

afford to do so.

This was seconded by Cllr Appleyard.

The motion was put to the vote and it was RESOLVED by 7 votes in favour and 3 votes against to DELEGATE TO PERMIT the application subject to the completion of a Section 106 Agreement and conditions.

Item No. 2

Application No. 20/03166/FUL

Site Location: Regency Laundry Service, Lower Bristol Road, Westmoreland, Bath – Erection of two buildings of up to four storeys comprising co-living accommodation with co-working space to the ground floor, alongside landscaping works, cycle parking and disabled car parking bays following demolition of existing buildings.

The Case Officer reported on the application and his recommendation to refuse. He informed the committee that a letter had been received from the applicant regarding the viability appraisal and potential for industrial use for the site and that this information has now been loaded to the website. There would also be a financial contribution of around £40k towards off site affordable housing.

A local resident and a representative from the Bath Preservation Trust spoke against the application.

The applicant spoke in favour of the application.

Cllr June Player, local ward member, spoke against the application. She stated that the bulky nature of the buildings would cause harm to the area in general and to the residential amenity of the occupants of the co-living accommodation. She also raised concerns regarding loss of light, overlooking, parking pressures, the additional height, and flat roofs. The proposal would not enrich the character of the area, was of poor design and has no views.

A written statement in favour of the application from Cllr Colin Blackburn, local ward member, was read out. Cllr Blackburn felt that the proposal would make a positive contribution to the city as it would enable graduates and other professionals to afford to remain in the area, which would also benefit local employers. He felt that the site is unsuited to commercial activity as it is surrounded by residential properties. The scheme is of high quality and has excellent green credentials which would have a positive impact on the climate emergency.

The Case Officer then responded to questions as follows:

- If required, an additional condition could be included regarding the provision of land to grow vegetables. A condition regarding the provision of a seagull management plan could also be included if necessary.
- 20% of the properties would be affordable housing units.
- The applicant has agreed to restrict the occupancy of the 20% of affordable housing units to ensure that these are not occupied by students. The applicant has also offered to put some measures in place for the remaining

units, such as length of tenancies and not directly marketing to students, to ensure that this is a co-living scheme rather than a student scheme.

- About 80 people are currently employed by the laundry. The co-working scheme would provide 30-40 workspaces. 50% of these would be open access and 50% would be available to occupiers of the building.
- A co-living space is a more institutional use than an HMO property. It would be run and managed as a shared living and working arrangement on a larger scale than an HMO.
- The current laundry facility is a light industrial use. This must be compatible with its residential context. There have been limited complaints against the current use.
- The units would comprise of studio accommodation with limited cooking facilities. There would be access to a larger kitchen area, gym and co-worker facilities. The building would be designed to provide flexibility.
- The applicant has provided some evidence regarding the lack of demand for industrial use. However, the site has not been marketed for this use over the last 12 months and officers believe that this is an untested assertion.

Cllr MacFie moved that consideration of the application be deferred pending a site visit to ascertain the impact of the proposal on local residents. This was seconded by Cllr Hodge.

The motion was put to the vote and it was RESOLVED by 6 votes in favour and 4 votes against to DEFER consideration of the application pending a SITE VISIT.

Item No. 3

Application No. 20/02399/FUL

Site Location: 110 West Avenue, Oldfield Park, Bath, BA2 3QB – Development of two self-contained flats on land adjacent to existing building.

The Case Officer reported on the application and her recommendation to permit. She informed the committee of one amendment to the report as the site is not in a Conservation Area.

A local resident spoke against the application.

Cllr June Player, local ward member, spoke against the application. She expressed concern about the effect of the development on neighbours, including loss of light, and stated that it would adversely affect residential amenity. There would also be a loss of on street parking which is already scarce. The site is small, and the development would look out of place. She also raised concerns about highway safety.

The Officers then responded to questions as follows:

- The Highways Officer explained that vehicles would be able to join the road in a forward gear. He confirmed that no personal injury collisions had been reported on this road in the last five years.
- The area is within a 20mph zone.

Councillor Jackson moved that the application be refused for the following reasons:

- Highway safety due to the unsafe access and egress.
- Loss of amenity to the adjoining residents due to loss of light.
- The proposal would be out of character with the area and would have an overbearing impact.
- Loss of green space.

Councillor Hodge seconded the motion.

Cllr Bromley stated that the whole area is already very congested, and that this proposal represents overdevelopment of the site. The area already has a large number of HMO properties.

The motion was put to the vote and it was RESOLVED by 7 votes in favour and 3 against to REFUSE the application for the reasons set out above.

Item No. 4

Application No. 21/01200/OUT

Site Location: 2 Ellsbridge Close, Keynsham, BS31 1TB – Outline application (with all matters reserved) for the erection of one detached house with a private driveway and two parking spaces on land to rear of 2 Ellsbridge Close.

The Case Officer reported on the application and her recommendation to refuse.

The applicant and agent spoke in favour of the application.

The Case Officer then responded to questions as follows:

- Consideration has been given to the amenity of the area and this site is within the urban area of Keynsham and would not impact on the green belt.
- The access and egress arrangements would be reserved matters and not part of this outline application.
- There is room for three parking spaces on the plot.

Cllr MacFie noted that Keynsham Town Council have raised no objections to the application.

Councillor Hounsell supported the officer recommendation stating that this is backland development and not in keeping with the area. He felt that it was contrary to policy and was concerned at the loss of green space. He then moved the officer recommendation to refuse. This was seconded by Councillor Bromley.

The motion was put to the vote and it was RESOLVED unanimously to REFUSE the application for the reasons set out in the report.

Item No. 5

Application No. 20/04949/FUL

Site Location: 97-101 Walcot Street, Bath, BA1 5BW – Conversion of existing warehouse to Use Class E, including installation of mezzanine floor and alterations to roof. Erection of attached building to create Use Class E on ground floor and Residential Use Class C3 on 1st and 2nd floors.

The Case Officer reported on the application and her recommendation to permit.

A representative from The Bell Inn spoke against the application.

The agent spoke in favour of the application.

Cllr Tom Davies spoke against the application. He stated that this is a very contentious application with over 400 objections being received. He expressed concern regarding the design of the buildings and the resulting risk of harm to the local area due to their overbearing nature which is against policy HE1. He felt that residential accommodation is not appropriate so close to The Bell Inn as this could result in conflict.

Officers then responded to questions as follows:

- The revised plans were submitted after the comments received from Bath Preservation Trust.
- The Bell has been identified as a source of concern regarding noise and a pre-occupational noise assessment will be carried out when an event is taking place.
- The acoustic report submitted with the application was carried out using comparable data as no events were taking place due to the Covid pandemic. Mitigations can be put in place to alleviate any noise nuisance within the residential properties.
- The Environmental Health representative confirmed that there is currently one ongoing noise complaint regarding The Bell Inn.
- The office building would provide an acoustic buffer between The Bell and the residential properties.

Cllr Appleyard noted that there are existing residential properties in this vicinity and that noise levels are already a challenge. He felt that the proposal is a good fit for the space and would be an improvement on the existing building. Anyone moving into the accommodation would be aware that it is near to a pub. He then moved the officer recommendation to permit. This was seconded by Cllr Bromley.

Cllr Crossley stressed the importance of live music and noted that this is under threat across the country. He felt that the area can be developed but that residential accommodation should not be approved as this could lead to further complaints. This would present a risk to The Bell which is an important cultural asset.

Cllr Hughes stated that Walcot Street is a unique location, and that the proposal will not enhance or preserve the area.

Cllr Hodge noted that the design has been improved.

The motion was then put to the vote and it was RESOLVED by 7 votes in favour, 2 votes against and 1 abstention to PERMIT the application subject to the conditions set out in the report and an additional condition requiring that the conversion of the office accommodation be completed prior to the occupation of the residential units.

Item No. 6**Application No. 21/02476/VAR**

Site Location: The Nest, 7 Bladud Buildings, Bath - Variation of condition 5 of application 18/04797/FUL (Conversion of existing nightclub to a public house to include ventilation and extract equipment, detached bar kiosk, covered seating area and terrace seating area to rear).

The Case Officer reported on the application and her recommendation to approve.

The agent spoke in favour of the application.

Cllr Tom Davies, local ward member, spoke against the application. He stated that residents are concerned at the proposed removal of condition 5 as it would remove key safeguarding elements. He queried why it is no longer considered to be appropriate and felt that the outside space presents a risk to residential amenity.

The Case Officer then responded to questions as follows:

- The Nest was a nightclub at the time of the application but is now a public house.
- This is a standard condition which is often used to enable the Council to review any complaints over the temporary 12-month period. In this case there have been no complaints through the planning process and no objections to the licence. The temporary condition is usually removed after 12 months.
- Protection to residents remains in place through the existing conditions and the licensing conditions (e.g., hours of operation).

Cllr Appleyard stated that it would be disproportionate to insist that the condition remains in place. He moved the officer recommendation to approve. This was seconded by Cllr Crossley.

Cllr Hodge stated that the condition was put in place for good reason and should not be removed.

Cllr Bromley felt that all the necessary safeguards are already in place to protect local residents.

The motion was put to the vote and it was RESOLVED by 8 votes in favour and 2 votes against to APPROVE the application subject to the conditions set out in the report.

Item No. 7**Application No. 21/02584/FUL**

Site Location: St Andrews, Old Lane, Farmborough – Erection of ground floor extension, addition of new first floor and associated garage, including storage for refuse, recycling and bicycles.

The Case Officer reported on the application and her recommendation to permit.

A representative from Farmborough Parish Council spoke against the application.

The agent spoke in favour of the application.

Cllr Sally Davis, local ward member on the committee, spoke regarding the application pointing out that the Parish Council feels that the proposal would detrimentally affect the street scene.

Cllr Appleyard moved that consideration of the application be deferred pending a site visit. This was not seconded.

The Case Officer explained that the current building is 4.8m high and the proposed building would be 5.5m high at its highest point.

Cllr Hounsell stated that there are a large number of different types of building in the village of Farmborough and so there is no single style of street scene.

Cllr Davis explained that the view from Old Lane looking downwards does not take in the new development at Brook View. The Parish Council has expressed concern that the proposal will alter this view and is not in keeping with the character of Old Lane.

Cllr MacFie noted that the site is within 100m of the new development and felt that the proposal would be an improvement to the existing building.

Cllr Hodge stated that this is a very contemporary development and felt that the character of Old Lane should be protected.

Cllr Davis then moved that the application be refused for the following reasons:

- The proposal is not in keeping with the character of Old Lane.
- The adverse impact on the character of the street scene.
- The design will have a negative impact on the local area.
- The proposal does not reflect the materials and design of existing properties in Old Lane.
- The design would be too dominant on the street scene.

Cllr Jackson seconded the motion. She felt that the design should fit the local context and that the proposed building would be too dominant.

The motion was put to the vote and it was RESOLVED by 6 votes in favour and 4 votes against to REFUSE the application for the reasons set out above.

Item No. 8

Application No. 21/02181/FUL

Site Location: Archway Cottage, Bath Road, Tunley – Erection of two storey side extension and demolition of existing converted garage (Resubmission).

The Case Officer reported on the application and her recommendation to refuse.

The applicant spoke in favour of the application.

Cllr Matt McCabe, local ward member, spoke in favour of the application. He

pointed out that both Parish Councils supported the proposal. It is important to ensure a balanced population in the local area to enable young families to remain in villages. The design echoes the original design of the cottage and an unattractive building will be demolished. The 52% volume increase includes the parking space, so 20% of this involves no change of use. The proposal will sensitively develop the miner's cottage and retain the heritage of the building.

The Case Officer then responded to questions as follows:

- The extension will come up to the boundary wall and there will be a window on the side of the extension.
- If the committee were minded to permit, a condition could be included to ensure that the garage would be removed first.

Cllr Jackson moved that the committee delegate to permit the application for the following reasons:

- The extension will enhance the symmetry of the building and will be more in-keeping with the terrace.
- It will restore the historic character of the building.
- It does not obscure the openness of the green belt.
- It will provide family accommodation in a rural area.
- The demolition of the existing garage is a planning gain.

This was seconded by Cllr Hounsell.

Cllr Crossley felt that the 30% limit for an increase in volume is sufficient for large houses but not for smaller properties such as this. A larger volume increase is often required to enable smaller cottages to meet modern living standards.

Cllr Hounsell felt that the retention of the archway is very important, and this would maintain the identity and character of the cottage.

Cllr Jackson stated that the alternative would be lose the archway completely whereas this proposal retains the character of the existing building.

Cllr Clarke stated that he could not support the motion because it is not policy compliant.

The motion was put to the vote and it was RESOLVED by 6 votes in favour and 4 votes against to DELEGATE TO PERMIT the application subject to conditions including the retention of the archway and a requirement to demolish the rear garage prior to the construction of the side extension.

47 **NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES**

The Committee considered the appeals report.

RESOLVED to note the report.

The meeting ended at 5.45 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

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BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee

Date 25th August 2021

OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN AGENDA

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
2	20/03166/FUL	Regency Laundry Lower Bristol Road Westmoreland

Drainage

An updated response from the flood risk and drainage team has been provided. They have reviewed the additional information supplied by Jubb dated 9 October 2020 which they consider has addressed their previous outstanding concerns. They have no objection to the proposals.

Item No.	Application No.	Address
5	20/04949/FUL	97-101 Walcot Street, City Centre, Bath, Bath And North East Somerset, BA1 5BW

The report correctly references s66 P (LBCA) A 1990 in the legislation section but in the analysis it incorrectly refers to s16 and sets out the statutory test for listed building applications. This requires updating to reference s66.

The report currently states:

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposals would not have an unacceptable impact on the

setting of the surrounding listed buildings and would preserve their significance. The proposal accords with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.

The report should read:

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposals would not have an unacceptable impact on the setting of the surrounding listed buildings and would preserve their significance. The proposal accords with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.

Item No.	Application No.	Address
6	21/02476/VAR	The Nest, 7 Bladud Buildings, Bath, BA1 5LS

The Agent has submitted letter to be passed on to Members and included in the update report to committee for consideration in advance of committee's deliberation of the application.

The content of the Agents letter is as follows (*italics*).

As we have set out in our original application submission, the importance of a useable outdoor space cannot be underestimated at this site in the wake of the Covid-19 pandemic.

Indeed, it is absolutely essential that City Pubs have the comfort and guarantee that the garden area can continue to be used by patrons of the public house before investing the necessary financial sum to repair and restore the building.

The application premises is small and would not be viable as a public house without being able to use the garden area at the rear of the building.

The current 12-month limit on the use of the garden is impractical and makes any attempt to open the premises as a public house along the lines of the extant consent unviable.

There are numerous safeguards already in place to protect neighbouring amenity, including the use of the garden time-limited to certain hours, a condition prohibiting any amplified music or other entertainment in the garden, and separately the premises licence. This gives the Council ample control over noise and general amenity matters, and comfort that there are already a number of mechanisms and safeguards in place to ensure nearby amenity is not adversely impacted.

The Council's Environmental Health team agrees and is not raising an objection to this application.

The application is before committee with an officer recommendation for approval.

Beyond these safeguards already in place, the management of the premises will want to work with neighbours and the local community to ensure a positive relationship – ensuring lines of communication remain open at all times, and that any complaints are dealt with swiftly. City Pubs do not want to be a bad

neighbour, they would not expect it to be necessary to rely on the licence or planning conditions to ensure neighbour amenity isn't affected.

It is simply not in City Pubs' interests to be a bad neighbour. Indeed, they already operate two successful establishments in the City: The Bath Brewhouse, and The Cork. The new premises at The Nest will be a far cry from the former nightclub.

The applicant would be willing to work with Members to agree a management plan to secure certain provisions to protect neighbour amenity, to include clauses such as:

- Contact information of the manager provided to neighbours so that if anything does arise it can be handled via a 'hotline' and dealt with directly, quickly, and efficiently
- Indoor music to be turned down at least 30 minutes before closing time
- All windows & doors to the garden to be closed by midnight Monday to Thursday, 00:30 on Fridays and Saturdays, and 23:00 on Sundays
- Noise checks to be made regularly at the front and rear of the property
- Secondary glazing to be installed at the rear of the venue to the garden (will require a separate application for listed building consent)
- Noise limiter installed and agreed with local authority
- Signs to be positioned at exits asking customers to leave quietly
- Dispersal policy in agreement with the police and licensing
- No outside live or recorded music

These measures go beyond the scope of the extant consent and the conditions attached to it, and provide additional reassurances and measures to ensure any matters which arise can be handled locally and quickly. These measures would be in addition to the licencing and planning measures already in place.

City Pubs' have Covid-19 policies to ensure the safety of its staff and customers. Clearly, useable outdoor space is critical to the business from a safeguarding standpoint as well as a financial viability standpoint. The use of the garden beyond 12 months is critical to the business.

This is a significant financial investment being made by City Pubs to bring back into use the lower floors of this listed building, to provide a vibrant new use for the community and the City. As a local business it will make a contribution towards local employment and business rates to the Council, as well as bring forward the public benefits of bringing the listed building back into use for visiting members of the public. I trust that members appreciate the importance of this application to City Pubs, consider the range of safeguards and management measures in place, and will have regard to the environmental health officer's comments and the officer recommendation for approval when considering this application.

The Agent and Jim Charlton of City Pubs will be present at committee on Wednesday to answer any questions Members may have.

In addition, and for completeness, it is considered that the proposed variation to the planning condition would have no adverse effect on any listed buildings or their setting, or upon the character of the surrounding conservation area.

Item No.	Application No.	Address
8	21/02181/FUL	Archway Cottage Bath Road Tunley Bath Bath And North East Somerset BA2 0DP

Fallback position:

The applicant has submitted additional plans for an alternative scheme. This comprises a side extension which could be erected at the property under Permitted Development Rights if approval is not given for the scheme proposed under this application. However, the officer does not consider this a compelling fallback position as it would not result in a worse or similar impact on the green belt as the scheme proposed under application 21/02181/FUL. The main proposal results in a volume increase of 52.23% over and above the volume of the original dwelling, whilst the PD scheme would result in a volume increase of approximately 23%. Additionally, as the PD scheme is single storey, it is unlikely to have such a significant impact on the openness of the green belt. Therefore, the fallback scheme is not considered to represent very special circumstances that would warrant the approval of the extension proposed under application 21/02181/FUL.

Additional neighbour representation received 19.08.2021:

“We own and live in both Chapel Cottage and 2 Chapel Cottages, the other two cottages in the terrace of 3 with Archway Cottage.

We fully support this application, and note that both parish councils and the local councillor also support the application and view the proposed development as being in accordance with the relevant planning policies.

Chapel Cottage was granted planning permission in 2003 (03/01910/FUL) for a substantial two-story extension that effectively doubled the apparent width of the house, replacing a ‘lean to’ single story extension. The overall increase in volume from that extension was 39%.

Densley View, our next nearest neighbour to the East had a planning application approved by planning committee in 2014 that was a 56% increase in habitable volume.

The proposed extension of Archway Cottage is therefore entirely in keeping with the precedent set for existing extensions to the original terrace of cottages to ensure their continued use and survival and of other properties in the locality.”

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BATH AND NORTH EAST SOMERSET COUNCIL

MEMBERS OF THE PUBLIC AND REPRESENTATIVES SPEAKING AT THE MEETING OF THE PLANNING COMMITTEE ON WEDNESDAY 25 AUGUST 2021

Morning Session

MAIN PLANS LIST			
ITEM NO.	SITE NAME	NAME	FOR/AGAINST
1	Dick Lovett (Bath) Ltd, Wellsway Garage, Westmoreland, Bath	Joanna Robinson (Bath Preservation Trust)	Against
		Daniel Weaver (Agent) Niall Malone (On behalf of applicant)	For
		Cllr June Player (Local Ward Member)	Against
2	Regency Laundry Service, Lower Bristol Road, Westmoreland, Bath	Alistair Welch	Against (To share 3 minutes)
		Joanna Robinson (Bath Preservation Trust)	
		Kenny Oke (Applicant)	For
		Cllr June Player (Local Ward Member)	Against
		Cllr Colin Blackburn (Local Ward Member) – written statement	For
3	110 West Avenue, Oldfield Park, Bath	Ashley Coxell	Against
		Cllr June Player (Local Ward Member)	Against

Afternoon Session

4	2 Ellsbridge Close, Keynsham	Jayne Smith (Applicant) Marcus Fox (Agent)	For (To share 3 minutes)
5	97-101 Walcot Street, Bath, BA1 5BW	John Revell (on behalf of The Bell Inn)	Against
		John White (Agent)	For
		Cllr Tom Davies (Local Ward Member)	Against
6	The Nest, 7 Bladud Buildings, Bath	Tom Edmunds (Agent) Jim Charlton (Applicant)	For (To share 3 minutes)
		Cllr Tom Davies (Local Ward Member)	Against
7	St Andrews, Old Lane, Farmborough	Cllr Sam Ross (Farmborough Parish Council)	Against
		David Hadfield (Agent)	For
		Cllr Sally Davis (Local Ward Member)	N/A
8	Archway Cottage, Bath Road, Tunley	Mark Donaldson (Applicant)	For
		Cllr Matt McCabe (Local Ward Member)	For

BATH AND NORTH EAST SOMERSET COUNCIL

PLANNING COMMITTEE

25th August 2021

DECISIONS

Item No:	01	
Application No:	20/03071/EFUL	
Site Location:	Dick Lovett (bath) Ltd, Wellsway Garage, Lower Bristol Road, Westmoreland	
Ward: Westmoreland	Parish: N/A	LB Grade: N/A
Application Type:	Full Application with an EIA attached	
Proposal:	Demolition of existing buildings and mixed-use redevelopment of the site comprising the erection of residential units (Class C3); erection of purpose built managed student accommodation (Sui Generis); flexible commercial floorspace (Class E); associated parking; landscaping; improvements to the public realm; and new vehicular access from Lower Bristol Road.	
Constraints:	Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B1 Bath Enterprise Zone, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, Contaminated Land, Policy CP9 Affordable Housing Zones, District Heating Priority Area, Flood Zone 2, Flood Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Placemaking Plan Allocated Sites, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones, Policy ST2 Sustainable Transport Routes,	
Applicant:	Watkin Jones Group	
Expiry Date:	27th October 2021	
Case Officer:	Chris Griggs-Trevarthen	

DECISION Delegate to permit subject to S106 and conditions

Item No:	02
Application No:	20/03166/FUL
Site Location:	Regency Laundry Service, Lower Bristol Road, Westmoreland, Bath
Ward: Westmoreland	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of two buildings of up to four storeys comprising co-living accommodation with co-working space to the ground floor, alongside landscaping works, cycle parking and disabled car parking bays following demolition of existing buildings.
Constraints:	Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, District Heating Priority Area, Flood Zone 2, HMO Stage 1 Test Area (Stage 2 Test Req), LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant:	Lower Bristol Road Bath Limited
Expiry Date:	26th August 2021
Case Officer:	Chris Griggs-Trevarthen

DECISION Defer for site visit

Item No:	03
Application No:	20/02399/FUL
Site Location:	110 West Avenue, Oldfield Park, Bath, Bath And North East Somerset
Ward:	Westmoreland
Parish:	N/A
LB Grade:	N/A
Application Type:	Full Application
Proposal:	Development of 2 no. self contained flats on land adjacent to existing building.
Constraints:	Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones,
Applicant:	Mr Richard Cross
Expiry Date:	27th August 2021
Case Officer:	Emma Watts

DECISION REFUSE

1 The proposed development would, by reason of its unsuitable access, be detrimental to highway safety contrary to Policy ST7 of the Bath and North East Somerset Placemaking Plan and the National Planning Policy Framework.

2 The overbearing impact of the scale of development to the detriment of access to natural light would cause an unacceptable impact on the amenities of neighbouring occupiers contrary to Policy D6 of the Bath and North East Somerset Placemaking Plan and the National Planning Policy Framework.

3 The proposed development would result in loss of green open space and would be out of keeping with the local pattern of development and the character of the area contrary to Policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and the National Planning Policy Framework.

PLANS LIST:

22 Sep 2020 1805-07B PROPOSED SITE PLAN
22 Sep 2020 1805-08B PROPOSED ELEVATIONS
10 Jul 2020 1805-05 EXISTING SITE PLAN
10 Jul 2020 1805-06 EXISTING ELEVATIONS

Item No:	04
Application No:	21/01200/OUT
Site Location:	2 Ellsbridge Close, Keynsham, Bristol, Bath And North East Somerset
Ward: Keynsham East	Parish: Keynsham Town Council LB Grade: N/A
Application Type:	Outline Application
Proposal:	Outline application (with all matters reserved) for the erection of 1no. detached house with a private driveway and 2 parking spaces on land to rear of 2 Ellsbridge Close.
Constraints:	Saltford Airfield 3km buffer, Agric Land Class 3b,4,5, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,
Applicant:	M Smith
Expiry Date:	27th August 2021
Case Officer:	Emma Watts

DECISION REFUSE

1 The proposed backland development would be contrary to the character of the area and fails to respond appropriately to the site context contrary to the Bath and North East Somerset Development Plan, in particular Placemaking Plan Policies D1, D2, D4, D5 and D7 and the aims of the National Planning Policy Framework.

PLANS LIST:

001 OS Site Location Plan, 100 Existing Site Plan & Strip Elevation, 200 Revision A Proposed Site Plan & Strip Elevation, 'Technical Note 1: Highways and Transport'

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Item No:	05		
Application No:	20/04949/FUL		
Site Location:	97-101 Walcot Street, City Centre, Bath, Bath And North East Somerset		
Ward:	Walcot	Parish:	N/A
		LB Grade:	N/A
Application Type:	Full Application		
Proposal:	Conversion of existing warehouse to Use Class E, including installation of mezzanine floor and alterations to roof. Erection of attached building to create Use Class E on ground floor and Residential Use Class C3 on 1st and 2nd floors.		
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones,		
Applicant:	Mr Paul Haskins		
Expiry Date:	1st September 2021		
Case Officer:	Samantha Mason		

DECISION PERMIT

1 Standard Time Limit (Compliance)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission

2 Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

3 Archaeology Watching Brief (Pre-commencement)

No development shall commence, except archaeological investigation work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during

ground works on the site, with provision for excavation of any significant deposits or features encountered, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

4 Sound Attenuation (Pre-occupation)

On completion of the development but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the dwellings hereby approved have been constructed to provide sound attenuation against external noise. The following levels shall be achieved: Maximum internal noise levels of 35dBLAeq,16hr and 30dBLAeq,8hr for living rooms and bedrooms during the daytime and night time respectively. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: To safeguard the amenities of future occupiers in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

5 Sequence of Development (Pre-Occupation)

The conversion of the existing building to Use Class E shall be completed prior to the occupation of the residential units hereby permitted.

Reason: In order to ensure an acceptable relationship between the residential units and neighbouring occupiers in the interests of residential amenity in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

6 Hours of Use (Compliance)

The class E use hereby approved shall not be carried on and no customer shall be served or remain on the premises outside the hours of 7.30am-10pm Monday to Sunday.

Reason: To safeguard the amenities of nearby occupiers in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

7 Café/ restaurant Use (Bespoke Trigger)

No part of the building shall be brought into use as a café/ restaurant (Class E(b)) until a detailed scheme for the ventilation and extraction of fumes/cooking smells has been submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the precise details of the flue extraction equipment to be used, including: the stack height; the design and position of all ductwork; the noise/power levels of the fan(s); the number, type and attenuation characteristics of any silencers; details of anti -vibration mounts and jointing arrangements in the ductwork; the number of air changes per hour, and the efflux velocity. The scheme shall be implemented as approved prior to the commencement of the use and thereafter maintained as such.

Reason: To safeguard the amenities of nearby occupiers in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

8 Restricted Use (Compliance)

The first and second floors of the premises hereby approved shall be used only as offices (Class E(g)(i)) and for no other purpose (including any purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To safeguard the amenities of nearby occupiers in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

9 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until bicycle storage for at least 11 bicycles has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with Policies ST1 and ST7 of the Bath and North East Somerset Placemaking Plan.

10 Residents Welcome Pack (Pre-occupation)

No occupation of the approved development shall commence until a new resident's welcome pack has been issued to the first occupier/purchaser of each residential unit of accommodation. The new resident's welcome pack shall have previously been submitted to and approved in writing by the Local Planning Authority and shall include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Smarter publication, car share, car club information etc., to encourage residents to try public transport.

Reason: To encourage the use of public transport in the interests of sustainable development in accordance with Policy ST1 of the Bath and North East Somerset Placemaking Plan.

11 Construction Management Plan (Pre-commencement)

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management, working hours, site opening times, wheel wash facilities and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

12 Sustainable Construction (Pre-Occupation)

Prior to first occupation of the development hereby approved the following tables (as set out in the Council's Sustainable Construction Supplementary Planning Document, Adopted November 2018) shall be completed in respect of the completed development and submitted to the local planning authority together with the further documentation listed below:

- o Table 2.4 (Calculations);
- o Building Regulations Part L post-completion documents

Reason: To ensure that the approved development complies with Policy SCR1 of the Placemaking Plan (renewable energy) and Policy CP2 of the Core Strategy (sustainable construction).

13 Water Efficiency - Rainwater Harvesting (Pre-occupation)

No occupation of the approved dwellings shall commence until a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (e.g. Water butts) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Placemaking Plan.

14 Water Efficiency (Compliance)

The approved dwellings shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Bath and North East Somerset Placemaking Plan.

15 Plans List (Compliance)

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

PLANS LIST:

This decision relates to the following plans:

- 23 Dec 2020 001 P2 Site Location Plan
- 23 Dec 2020 012 P2 Proposed North Side Elevation and Section
- 23 Dec 2020 014 P2 Proposed Mezzanine Section
- 21 May 2021 007 P3 Proposed Ground Floor Plan
- 21 May 2021 007 P3 Proposed Second Floor Plan
- 21 May 2021 008 P3 Proposed First Floor Plan
- 21 May 2021 013 P3 Proposed Site Section
- 21 May 2021 015 P3 Visualisations
- 11 Jun 2021 010 P4 Proposed Roof Plan
- 11 Jun 2021 011 P5 East Front Proposed Elevation

Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

Community Infrastructure Levy - General Note for all Development

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council **before any development commences**.

Do not commence development until you been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

Community Infrastructure Levy - Exemptions and Reliefs Claims

The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil. If you have any queries about CIL please email cil@BATHNES.GOV.UK

Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

Item No:	06
Application No:	21/02476/VAR
Site Location:	The Nest, 7 Bladud Buildings, City Centre, Bath
Ward: Walcot	Parish: N/A LB Grade: II
Application Type:	Application for Variation of Condition
Proposal:	Variation of condition 5 of application 18/04797/FUL (Conversion of existing nightclub to a public house to include ventilation and extract equipment, detached bar kiosk, covered seating area and terrace seating area to rear)
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
Applicant:	The City Pub Group PLC
Expiry Date:	27th August 2021
Case Officer:	Helen Ellison

DECISION PERMIT

1 Time Limit (Compliance)

The development hereby approved shall be begun before the expiration of three years from 21st March 2019.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission.

2 Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction at the rear of the site shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, and terrace areas, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: To safeguard the character and appearance of the Conservation Area and the listed building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

3 Noise from Ventilation and Extraction (Pre-commencement of use)

The use hereby permitted shall not commence until a noise assessment has been undertaken by a competent person in relation to the installation of the extraction system unit to the rear of the property in accordance with BS4142:2014. The assessment shall determine the rating level of noise arising from unit installed as part of the development, at

the boundary of the nearest noise sensitive premises and identify the mitigation measures necessary to avoid complaints of noise nuisance. Noise levels shall be designed to be 5db below measured background noise levels at the rear of the property.

Reason: In the interests controlling odours and protecting residential amenity in accordance with policy PCS2 of the Bath and North East Somerset Placemaking Plan.

4 Noise from activities (Compliance)

The applicant shall ensure that all doors and windows remain closed except for access and egress from 23.00hrs. There shall be no amplified music or other entertainment in the outside area at any time.

Reason: To safeguard the amenities of nearby occupiers in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

5 Time limited timings - use of external area (Compliance)

The external area to the rear of the premises hereby permitted shall be closed to the public and cleared by 23.00hrs from Sunday to Thursday and Bank Holidays and by 00.00hrs on Fridays and Saturdays.

Reason: To safeguard the amenities of nearby occupiers in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan and to enable the Local Planning Authority to review the impact of the development.

6 Storage of refuse and waste materials (Compliance)

Prior to the occupation of approved buildings, suitable and sufficient waste storage facilities shall be provided for the safe and secure on-site storage of waste derived from the business to ensure that no detriment to amenity from smell, flies or vermin arises

Reason: In the interests controlling odours and protecting residential amenity in accordance with policy PCS2 of the Bath and North East Somerset Placemaking Plan.

7 Use of Refuse and Recycling facilities (Compliance)

Activities relating to the collection of refuse and recyclables and the tipping of empty bottles into external receptacles shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: To prevent excessive noise and protect the residential amenity of occupiers in accordance with policy PCS2 of the Bath and North East Somerset Placemaking Plan.

8 Construction Management (Compliance)

- No materials arising from the demolition of any existing structures, the construction of new buildings nor any material from incidental and landscaping works shall be burnt on the site.

- The developer shall comply with the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126). The requirements of the Code shall apply to all work on the site, access roads and adjacent roads.

- The requirements of the Council's Code of Practice to Control noise from construction sites shall be fully complied with during demolition and construction of the new buildings

Reason: To protect the amenities of the occupants of adjacent residential properties in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan and in accordance with the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities.

9 Hard and Soft Landscaping (Pre-occupation)

The external area to the rear of the premises shall not be brought into use until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of a planting specification to include numbers, size, species and positions of all new shrubs, details of existing and any proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D2, D5 and HE1 of the Bath and North East Somerset Placemaking Plan

10 Hard and Soft Landscaping (Compliance)

All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the external area to the rear of the premises being brought in to use or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained in accordance with Policies D2, D5 and HE1 of the Bath and North East Somerset Placemaking Plan.

11 Emergency escape gate - Submission of details (Bespoke Trigger)

No works to the rear of the building shall commence until full details of a gate (to include plan, elevation, materials and colour/finish) leading to the emergency fire escape route to Walcot Street as shown on the drawing number 857.4 Rev B have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details and gate installed prior to the rear garden area being brought into use.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

12 Emergency Escape Only (Compliance)

The emergency means of escape shown on the drawing number 857.4 Rev B shall be used solely as an emergency means of escape and for no other purpose.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

13 External Lighting (Bespoke Trigger)

No new external lighting shall be installed without full details of proposed lighting design being first submitted and approved in writing by the Local Planning Authority; details to include lamp specifications, positions, numbers and heights; details of predicted lux levels and light spill, and details of all necessary measures to limit use of lights when not required and to prevent light spill onto nearby residential properties. The lighting shall be installed and operated thereafter in accordance with the approved details.

Reason: To safeguard the amenities of nearby occupiers in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

14 Plans List (Compliance)

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

PLANS LIST:

This decision relates to the following drawings;

Date: 26.10.2018 Drwg. No. 857.2 Drwg. title: Existing drawings

Date: 26.10.2018 Drwg. No. 857.3 Drwg. title: Proposed lower ground floor plans

Date: 26.10.2018 Drwg. No. 857.7 Drwg. title: Window joinery details

Date: 20.03.2019 Drwg. No. 857.1 C Drwg. title: Location & site plans

Date: 19.12.2018 Drwg. No. 857.9 Drwg. title: Proposed roof plan

Date: 30.01.2019 Drwg. No. 857.4 Rev B Drwg. title: Proposed garden & roof plans

Date: 27.02.2019 Drwg. No. 857.6 Rev E Drwg. title: Proposed elevations & section AA

Date: 28.02.2019 Drwg. No. 857.5 Rev E Drwg. title: Proposed elevations

Date: 01.03.2019 Drwg. No. 857.8 Rev A Drwg. title: Amended proposed garden details section CC

Date: 01.03.2019 Drwg. No. 857.10 Rev A Drwg. title: Amended acoustic screen

Advisories

Environmental Protection Act 1990

Under the environmental protection act 1990, the local authority has a duty to investigate complaints of nuisance and should a complaint be received, irrespective of planning consent, the local authority may on determination of a statutory nuisance serve a legal notice requiring any said nuisance to be abated and failure to comply may result in prosecution. Further advice may be sought from the local authority's environmental protection team on this matter where necessary.

Food premises

As the current premises is classed as a wet sales only establishment, a revised registration form will need to be submitted with the food safety team at Bath and North East Somerset Council at least 28 days prior to operation.

Further information can be found here:
[HTTP://WWW.BATHNES.GOV.UK/SERVICES/ENVIRONMENT/FOOD-SAFETY/ADVICE-NEW-BUSINESSES](http://www.bathnes.gov.uk/services/environment/food-safety/advice-new-businesses)

Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

Community Infrastructure Levy - General Note for all Development

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council **before any development commences**.

Do not commence development until you been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

Community Infrastructure Levy - Exemptions and Reliefs Claims

The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil. If you have any queries about CIL please email cil@BATHNES.GOV.UK

Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

Item No:	07
Application No:	21/02584/FUL
Site Location:	St Andrews, Old Lane, Farmborough, Bath
Ward: Clutton And Farmborough	Parish: Farmborough LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of ground floor extension, addition of new first floor and associated garage, including storage for refuse, recycling and bicycles.
Constraints:	Clutton Airfield, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant:	Mr & Ms Craig & Danielle Smith & Sewell
Expiry Date:	23rd July 2021
Case Officer:	Chloe Buckingham

DECISION Overturned. Refused

Item No:	08
Application No:	21/02181/FUL
Site Location:	Archway Cottage, Bath Road, Tunley, Bath
Ward: Bathavon South	Parish: Camerton LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of two storey side extension and demolition of existing converted garage (Resubmission).
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, SSSI - Impact Risk Zones,
Applicant:	Mark Donaldson
Expiry Date:	27th August 2021
Case Officer:	Rebecca Robinson

DECISION PERMIT

1 Standard Time Limit (Compliance)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission.

2 Plans List (Compliance)

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

3 Materials (Compliance)

All external walling and roofing materials to be used shall match those of the existing building in respect of size, type, profile, texture, coursing and jointing.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

4 Sequence of Demolition (Compliance)

Construction of the proposed side extension shall not commence until the rear garage has been demolished as per the plans permitted under this application.

Reason: To prevent detriment to the green belt through over-development of the site by an accumulation of buildings.

5 Retention of Arched Car-Port (Compliance)

The car-port hereby permitted shall be retained for parking, and the arched form on the north and south sides shall remain unenclosed and unobstructed in perpetuity.

Reason: In the interest of the appearance of the development, to retain adequate off-street parking provision and to prevent detriment to the green belt by ensuring the light-weight character of the development is preserved.

PLANS LIST:

This decision relates to the following plans:

Drawing - 05 May 2021 - 2009.2 D01 - EXISTING BLOCK AND SITE PLANS
Drawing - 05 May 2021 - 2009.2 D02 - EXISTING GROUND PLAN
Drawing - 05 May 2021 - 2009.2 D04 - EXISTING ROOF PLAN
Drawing - 05 May 2021 - 2009.2 D05 - EXISTING FRONT ELEVATION AND SECTION AA
Drawing - 05 May 2021 - 2009.2 D06 - EXISTING REAR AND SIDE ELEVATIONS
Drawing - 05 May 2021 - 2009.2 D11 - PROPOSED BLOCK PLAN
Drawing - 05 May 2021 - 2009.2 D13 - PROPOSED FIRST FLOOR PLAN
Drawing - 05 May 2021 - 2009.2 D14 - PROPOSED ROOF PLAN
Drawing - 05 May 2021 - 2009.2 D15 - PROPOSED FRONT ELEVATION AND SECTION AA
Drawing - 05 May 2021 - 2009.2 D16 - PROPOSED SIDE AND REAR ELEVATIONS
Drawing - 12 May 2021 - 2009.2 D03 - EXISTING FIRST FLOOR PLAN
Revised Drawing - 24 Jun 2021 - 2009.2 D12A - PROPOSED GROUND PLAN

Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

Community Infrastructure Levy - General Note for all Development

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council **before any development commences**.

Do not commence development until you been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

Community Infrastructure Levy - Exemptions and Reliefs Claims

The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil. If you have any queries about CIL please email cil@BATHNES.GOV.UK

Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.